

DAVID ALLEN RUSSELL	§	
v.	§	CIVIL ACTION NO. 6:17cv148
BALDEN POLK, ET AL.	§	

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and has determined that this Report is correct. Nonetheless, Plaintiff's request for voluntary dismissal should be granted. *See Carter v. United States*, 547 F.2d 258, 259 (5th Cir. 1977) (plaintiff has absolute right to dismiss his complaint under Rule 41(a), Fed. R. Civ. P., prior to the filing of an answer or motion for summary judgment); *Thomas v. Phillips*, 83 Fed.Appx. 661, 2003 WL 22965565 (5th Cir., December 17, 2003) (citing *Carter*). It is accordingly

**ORDERED** that the Plaintiff's request for voluntary dismissal (docket no. 18) is **GRANTED**. It is further

**ORDERED** that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** on the Plaintiff's motion. It is further

**ORDERED** that any and all motions which may be pending in this civil action are hereby **DENIED**.

**So Ordered and Signed**

Jan 25, 2018



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Ron Clark, United States District Judge